

January 28, 1955

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CONCORD, N.H.

James J. Barry, Commissioner
Department of Public Welfare
State House Annex
Concord, New Hampshire

Dear Mr. Barry:

You have inquired by your letter of January 24, 1955, whether the consolidation of the Colebrook Special and Colebrook Town School Districts prohibits the Colebrook Special School District from reporting the wages of its employees for OASI purposes. It is my opinion that the consolidation does so prohibit.

The consolidation was effected by order of the State Board of Education pursuant to R.L., c. 138, s. 37. After the order is filed in the office of the Secretary of State, there is thereafter only a single school district and the prior existing districts are dissolved. This term "dissolved" is used throughout the sub-division, and it is specifically provided that the corporate existence of a dissolved district remains for the very limited purposes of winding up its affairs and for "holding, managing and enjoying any property held by it in trust, notwithstanding its dissolution," . . . even then the school board of the new district is the agent to expend any trust funds. R.L., c. 138, s. 40.

Webster's New International Dictionary, 2nd Ed., defines dissolve as to destroy or to bring to an end by dispersal, to terminate as to dissolve an assembly. It is my opinion that the clear purpose of the statute allowing consolidation of existing districts, which carries with it the dissolution of the existing districts, is that the old districts do not exist except as specially provided. As the existence of the district is terminated, it does not have employees after the date of consolidation and a non-existent district or its purported employees are not entitled to the benefits of the OASI program.

Very truly yours,

Richard C. Duncan
Assistant Attorney General

RCD/aml